RESPONSE TO COMMENTS
2002 TRIENNIAL REVIEW
OF THE
WATER QUALITY CONTROL PLAN FOR THE
TULARE LAKE BASIN

Commenters:

1. Dr. Arthur D. Unger, Concerned Citizen, Bakersfield (1)
2. Mr. Derrill G. Whitten Jr., Civil Engineer III, Wastewater, City of Bakersfield, Bakersfield (2)
3. Ms. Kathleen Martyn Goforth, Life Scientist, United States Environmental Protection Agency, CWA Standards & Permits Office (WTR-5), San Francisco (3-12)
4. Ms. Daphne H. Washington, Director, Kern County Waste Management Department, Bakersfield (13)
5. Ms. Daphne H. Washington, Director, Kern County Waste Management Department, Bakersfield (14)
6. Mr. Lewis R. Nelson, P.E., Public Works Manager, City of Visalia, Visalia (15-16)
7. Mr. Lynden Garver, Assistant General Manager, Kings River Conservation District, Fresno (17-24)
8. Mr. Robert E. Garcia, P.E., Director of Technical Services, Environmental Operations, Leprino Foods, Lemoore (25-26)

Oral Comments Received During 26 April 2002 Public Workshop:

9. Mr. Robert Whitley; Selma-Kingsburg-Fowler County Sanitation District Engineer; Whitley, Burchett & Associates; Walnut Creek (27)
10. Mr. John Wright, Chairman, Selma-Kingsburg-Fowler County Sanitation District, Kingsburg (28)
11. Mr. Richard Schafer, Water Master, Tule River, Visalia (29-30)

Late Written Comments Were Received From:

12. Mr. Raymond E. Ouellette, R.E.A., QEP, Kennedy/Jenks Consultants, Irvine (31)
13. Mr. David Michel, General Manager, Selma-Kingsburg-Fowler County Sanitation District, Kingsburg (32)

<u>Dr. Arthur Unger, Concerned Citizen, Bakersfield</u>

1. *The Triennial Review of the Water Quality Control Plan for the Tulare Lake Basin should consider the cumulative impact to ground and surface water of all cows now in the Tulare Lake Basin and all the cows liable to be added in the next three years and beyond. Kern County is beginning to discuss county wide*

cumulative impact in CEQA documents; but I do not know if anyone is concerned with valley wide cumulative impact.

See Triennial Review Workplan Issue No. 12.

Derrill G. Whitten Jr., Civil Engineer III, Wastewater, City of Bakersfield, Bakersfield

2. *The City of Bakersfield requests that the Board consider the following change to the Discharges to Land section, part 3: "…Facilities which discharge or are designed to discharge in excess of 1 million gallons per day must provide either (1): removal of 80 percent or reduction to 40 mg/l, whichever is more restrictive, of both 5-day BOD and suspended solids or (2): removal of 85 percent or reduction to 30 mg/l, whichever is more restrictive, of 5-day CBOD and suspended solids removals of 80 percent or reduction to 40 mg/l, whichever is more restrictive…"*

   See Triennial Review Workplan Issue No. 13.

Ms. Kathleen Martyn Goforth, Life Scientist, United States Environmental Protection Agency, CWA Standards & Permits Office (WTR-5), San Francisco

3. *It should be noted that the Lower Kings River is included on the State's Clean Water Act (CWA) 303(d) list of impaired waters, due in part, to the exceedance of water quality objectives for salinity (electrical conductivity). For this reason, a Total Maximum Daily Load (TMDL) is scheduled to be completed for the Lower Kings River by December 2011.*

   This issue has been prioritized accordingly. See Issue No. 6 of the Triennial Review Workplan.

4. *Update the recreational water quality objectives for bacteria to be consistent with current EPA guidance by 2003.*

   Updating the water quality objectives for bacteria is a high priority. See proposed Basin Plan amendment for more details.

5. *Update the water quality objectives for ammonia and chlorine to be consistent with current EPA guidance.*

   This issue will be included in the work plan. Since the narrative toxicity objective indicates that the Regional Board can use available information to assist in determining compliance with the objectives, current EPA guidance is already considered in specifying effluent and receiving water limits. This issue will be given a low priority. The priority may be raised if resources become available. See Issue Nos. 8 and 9 for more details on the status of this matter.

6. *Adopt a water quality objective for nutrients to be consistent with EPA recommended criteria.*

   The State Water Board in coordination with USEPA Region IX has taken the lead in this issue by forming a nutrient workgroup to refine the national criteria. Regional Water Board staff is participating in this workgroup. A statewide strategy is expected.

7. *Adopt up-to-date objectives consistent with the on-going re-evaluation of the CTR constituents.*

   Current and any future CTR constituents apply as water quality objectives throughout the State. No separate effort of the Regional Water Board is required.

8. *Update water quality objectives for dissolved oxygen to be consistent with current EPA guidance.*

   This issue will be included in the work plan. However, since the Basin Plan already contains dissolved oxygen objectives and there is a lack of resources, this issue will be given a low priority. The priority may be raised if resources become available. See Issue No. 10 for more details on the status of this matter.

9. *Evaluate the need for objectives beyond the narrative toxicity objective currently in the Basin Plan and the "Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California" to fully protect beneficial uses.*

   Staff reviews new criteria from a variety of sources but lack of resources prevents a detailed search and evaluation of numeric criteria. At this time, staff is not aware of any circumstances requiring development of additional water quality objectives to provide protection beyond the State and Regional plans and policies.

10. *The Regional Board should ensure that the Basin Plan includes procedures for implementing any and all narrative criteria that may be used to regulate point source discharges of toxic pollutants to impaired water bodies.*

    The Tulare Lake Basin has three waterbodies on the 303(d) list. All TMDLs are scheduled to start January 2004. Development and implementation of the TMDLs may include Basin Plan amendments which could provide numeric objectives. However, if narrative criteria are part of a TMDL, procedures for implementing any and all narrative criteria will be provided. See Issue No. 14, this issue has been prioritized accordingly.

11. *The Basin Plan should be revised to explain what constitutes "appropriate averaging period" in determining compliance with water quality objectives for pH, temperature, and turbidity.*

These objectives are currently being re-evaluated as part of the Effluent Dominated Water Bodies issue that is being addressed by the Regional Water Quality Control Board, Central Valley Region, Sacramento Office. More information on the Effluent Dominated Water Bodies issue can be reviewed at http://www.swrcb.ca.gov/rwqcb5/available_documents/index.html#anchor616381 under the Draft Triennial Review Workplan for the Sacramento and San Joaquin Rivers Basin. This issue may be resolved as part of the re-evaluation. Recommendations from the re-evaluation will be considered for the Tulare Lake Basin.

12. *We support the Regional Board staff's recommendation that the description of the federal antidegradation policy be removed, since it provides an incomplete and misleading interpretation of that policy.*

    See proposed Basin Plan amendment for more details.

Ms. Daphne H. Washington, Director, Kern County Waste Management Department, Bakersfield

13. *Kern County Waste Management Department proposes an amendment of the Water Quality Control Plan for the Tulare Lake Basin to redesignate the beneficial uses of groundwater below the China Grade Sanitary Landfill.*

    Current budgeting for the Regional Board does not contain funding for staff to compile and assess data necessary to determine if the requested Basin Plan Amendment is appropriate, to review information provided by Kern County or other interested parties, or to complete the work necessary to adopt the Basin Plan Amendment. For the Regional Board to consider a Basin Plan Amendment, Kern County would need to provide a literature search, scientific data to support the requested basin plan amendment and necessary funding for Regional Board staff to assess all information and implement a Basin Plan Amendment if, it is warranted. See Triennial Review Workplan Issue No. 15.

Ms. Daphne H. Washington, Director, Kern County Waste Management Department, Bakersfield

14. *Kern County Waste Management Department proposes an amendment of the Water Quality Control Plan for the Tulare Lake Basin to redesignate the beneficial uses of groundwater below the Taft Sanitary Landfill.*

    See response to comment #13.

Mr. Lewis R. Nelson, P.E., Public Works Manager, City of Visalia, Visalia

15. *Develop an electrical conductivity credit for the beneficial ions of calcium, potassium and magnesium.*

    An electrical conductivity effluent limit issue has been added to the Triennial Review Workplan. See Issue No. 3.

16. *Develop an electrical conductivity credit for organic dissolved solids. This credit is currently given to food processors directly discharging to land.*

    An electrical conductivity effluent limit issue has been added to the Triennial Review Workplan. See Issue No. 3.

Mr. Lynden Garver, Assistant Manager, Kings River Conservation District, Fresno

17. *Kings River Conservation District (KRCD) has been monitoring water quality of the Kings River below Pine Flat Dam since 1978 and has provided summaries of the data collected to the Regional Board. KRCD believes that analysis of this data, and similar data to be collected in the future, will help to define any salinity problems and develop policies.*

    The poor quality of the Lower Kings River during dry and critically dry years may not be due entirely to the high salinity dischargers. Therefore, additional studies are proposed for appropriate type water years. The Regional Board has an ongoing effort to remove the high salinity discharges from the Lower Kings River.

18. *Most monitoring programs are designed to use agricultural production wells and the construction details may not be available.*

    The Regional Board considers the most important component of the groundwater monitoring network to be tracking of trends in electrical conductivity. Production wells that are used in the network will need to be evaluated for suitability for this purpose. This concern has been incorporated into the Triennial Review Workplan Groundwater Assessment Issue No.1.

19. *Owners of the wells may more readily embrace the implementation plan and volunteer to participate in it if they are apprised of its purpose and benefits.*

    This concern is understood and will need to be addressed as part of the Groundwater Assessment Issue No.1.

20. *Seasonal and annual fluctuations of the groundwater level may result in a variance in the concentration of many of the chemicals, which the Regional Board may wish to monitor.*

The Regional Board agrees that fluctuations in groundwater levels may result in water quality variations. This is part of the Groundwater Assessment Issue No.1.

21. *KRCD agree that salinity of the groundwater must be managed to address reasonable and acceptable rates of increase, and support modification of the Basin Plan objectives as stated in the notice.*

    Reevaluation of the groundwater quality objectives for salinity is included as part of the implementation plan for controlling salinity in the Basin. See Issue No. 7 on the Triennial Review Workplan for more details on this matter.

22. *KRCD's recommendation, which is the same as comments made during the 1998 Triennial Review, remains that the dissolved oxygen objective for Reach III of the Kings River be a minimum of 7.0 milligrams per liter.*

    This issue has been included in the Triennial Review Workplan. See Issue No. 5 for more details on this matter.

23. *KRCD supports the initiation of a voluntary monitoring program as part of the deliberation on waste discharge permitting.*

    The issue of Waivers has been included in the Triennial Review Workplan. See Issue No. 11 for more details on this matter.

24. *Bacteria Objectives: KRCD has no objections to this proposal.*

    See comment #4.

<u>Mr. Robert E. Garcia, P.E., Director of Technical Services, Environmental Operations, Leprino Foods, Lemoore</u>

25. *Electrical conductivity alone does not tell the whole story with respect to salinity. The beneficial constituents of electrical conductivity are those constituents that can be utilized by crops and removed from the soil through proper agricultural application (that is, agronomically applied for nutritional uptake with balanced applications rates), with no resulting impact to the underlying groundwater quality.*

    Electrical conductivity effluent limits have been added to the Triennial Review Workplan. See Issue No. 3 for additional information.

26. *Implementation of the Basin Plan's water quality objectives should take into consideration private water rights and should allow for greater flexibility as respects water quality limitations and discharge requirements that relate to the actual beneficial uses of the water.*

The mission of the Regional Board is to preserve, and enhance the quality of California's water resources for the benefit of present and future generations. The water resources of California include waters in privately owned canals since water discharged to private property may have an impact on surface water or groundwater beyond the property lines. Within the Basin Plan there are instances when there is flexibility. For example, when a higher incremental increase in EC may be allowed for a specific area within the basin if a demonstration is made that the discharger has implemented best practicable treatment or control of the discharge, the subarea is properly managed by the discharger, and it is found to be in the public interest. It is also important to note that the Regional Board must protect all present and potential beneficial uses.

Mr. Robert Whitley; Selma-Kingsburg-Fowler County Sanitation District Engineer; Whitley, Burchett & Associates; Walnut Creek

27. *The Regional Board needs to develop a numeric groundwater quality objective for salinity including numeric criteria for TDS, EC, Na, K, Ca and Mg.*

    Salinity standards and effluent limits consider salinity increase through reasonable use and vary by type of discharge. An assessment of salinity increases due to use has been included in the Electrical Conductivity Effluent Limit Issue No. 3 of the Triennial Review Workplan.

Mr. John Wright, Chairman, Selma-Kingsburg-Fowler County Sanitation District, Kingsburg

28. *The Regional Board should look at groundwater plans already developed by irrigation districts and other agencies, then review the groundwater monitoring data from those plans to assess impacts to the Tulare Lake Basin.*

    Groundwater assessment has been included in the Triennial Review Workplan. See Issue No. 1 for more information on this problem.

Mr. Richard Schafer, Water Master, Tule River, Visalia

29. *The Tulare Lake Basin is a closed basin and it should be considered a separate basin for all Board deliberations, monitoring, etc.*

    The Regional Board recognizes this, which is why there is a separate Basin Plan for the Tulare Lake Basin.

30. *Encourages the Regional Board to extend waivers beyond the 1 January 2003 sunset date.*

    Section 13269(f) of the California Water Codes requires that prior to renewing any waiver for a specific type of discharge established under this section, the

regional boards shall review the terms of the waiver policy at a public hearing. At the hearing, a regional board shall determine whether the discharge for which the waiver policy was established should be subject to general or individual waste discharge requirements. Currently the State Water Board is working with the Regional Boards to develop an implementation plan. See Issue No. 11 of the Triennial Review Workplan for more information on the process of reviewing waivers.

Mr. Raymond E. Ouellette, R.E.A., QEP, Kennedy/Jenks Consultants, Irvine

31. *Several existing groundwater bodies are currently identified as MUN because they have not been specifically designated otherwise in the Basin Plan. It is requested that the Basin Plan workplan consider changing one or more such groundwater bodies to another classification (consistent with the State Board's policies on beneficial uses). Data to support this change may be provided by one or more affected companies. Such data should provide the justification necessary for the staff and Board to review and approve a reclassification.*

    A request for a Basin Plan amendment may be brought to the Regional Board at any time. As no specific information or data has been provided to reclassify the beneficial uses at a particular site, this item has not been included in the Triennial Review Workplan.

Mr. David Michel, General Manager, Selma-Kingsburg-Fowler County Sanitation District, Kingsburg

32. *We request that this review focus on establishing numeric criteria and standards for salinity, including possibly TDS, EC, Na, K, Ca, and Mg.*

    See comment #27.